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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christoph T. Corvin

Serial No.: 09/747,040

Filed: December 22, 2000

For: MEDICAL DIAGNOSTIC
SYSTEM ACQUISITION AND
FINANCING METHOD AND
APARATUS

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Group Art Unit: 2161

Examiner: Felten, Daniel S.

Atty. Docket: GEMS:0123/YOD/SWA
15-EC-5764

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September 13, 2004

Date

Tait R. Swanson
Tait R. Swanson

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 1.191 AND 1.192

This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on July 13, 2004, and received by the Patent Office on July 19, 2004.

1. **REAL PARTY IN INTEREST**

The real party in interest is General Electric Company, the Assignee of the above-referenced application by virtue of the Assignment recorded at reel 011419, frame 0750, and recorded on December 22, 2000. General Electric Company, the Assignee of the above-referenced application, as evidenced by the documents mentioned above, will be directly affected by the Board's decision in the pending appeal.

2. **RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellant's legal representative in this Appeal.

3. **STATUS OF CLAIMS**

Claims 1-9, 11-19, 21-37, 39-43 and 45-60 are currently pending, and are currently under final rejection and, thus, are the subject of this appeal.

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4. **STATUS OF AMENDMENTS**

The Appellant has not submitted any amendments subsequent to the Final Office Action mailed on February 13, 2004.

5. **SUMMARY OF THE INVENTION AND OF THE DISCLOSED EMBODIMENTS**

In accordance with certain embodiments, the present technique facilitates interaction between a client 90 and a remote financial engine 100 via a network 80, such that the client 90 can obtain multiple transaction options tailored to the financial needs of the client 90. *See* Application, page 4, lines 3-10. In the embodiment illustrated in Figure 2, the client 90 electronically receives request pages 94 (e.g., data entry forms) from a data processing center 22, or an applications server for the network (e.g., Internet). *See* Application, page 11, lines 1-3. The client 90 enters data, makes appropriate selections, and transmits a processing request to the data processing center 22. *See* Application, page 11, lines 4-6. Accordingly, request data 96 is routed through the network 80 and to the data processing center 22. *See* Application, page 11, lines 6-7. The request data 96 may comprise a variety of client data, such as illustrated by query forms 118, 152, 210, and 298 of Figures 4, 5, 6, and 7, respectively. *See* Application, Figures 4-7. In the present technique, the questions on the query form 118 are tailored to obtain a variety of client data, which may be relevant to an analysis of a transaction for medical resources (e.g., medical products or systems). *See* Application, page 13, lines 9-11. Accordingly, the electronic forms inquire into various matters that may be relevant to a desired transaction, such as financial criteria (e.g., revenues, expenses, taxes and debt of the client 90), timing, and other factors. *See* Application, page 13, lines 12-14. For example, as described below, the query form 118 may inquire into the desired medical resource, a desired time for delivery, desired options and accessories, desired warranty and service terms, and products expected to be traded in with a transaction for the medical resources. *See* Application, page 13, lines 14-18.

The request data 96 is received by a server, or processing system 98, which handles the request, interprets and evaluates the request data, and provides a data analysis based on the request data. *See* Application, page 11, lines 8-10. In this exemplary embodiment, the processing system 98 has a financial engine 100 for financially analyzing the request data, and for generating a financial analysis tailored to the request data from the client. *See* Application, page 11, lines 14-16. The financial engine 100 has a rules and interface module 102 and a financial calculator module 104, which jointly work to provide a customized financial analysis for the client 90 based on the request data 96. *See* Application, page 11, lines 18-21. The rules and interface module 102 comprises rules for financially analyzing the request data, including tax rules and other considerations for the medical field. *See* Application, page 11, lines 23-24. Accordingly, the rules

and interface module 102 adapts the financial calculator module 104 to the desired industry or field, such as medical resources. *See* Application, page 11, lines 25-26. For example, the medical field may be subject to specific taxes, laws, regulations, and various accounting and/or financial practices unlike other fields. *See* Application, page 11, lines 26-28. By providing such rules, the financial calculations are customized for the medical field, enabling the financial engine 100 to more accurately analyze the client request data. *See* Application, page 11, lines 28-30.

After analyzing the request data 96, the financial engine 100 provides a financial analysis tailored to the request data 96. *See* Application, page 12, lines 5-6. Result pages 106 are then transmitted to the client 90 via the communication system 10, either directly from the financial engine 100 or after further processing by the processing system 98. *See* Application, page 12, lines 6-8. As illustrated in Figure 8, the financing form 420 displays a plurality of financing options for a transaction desired by the client 90. *See* Application, page 19, lines 21-22. As listed under the description heading 430, the financing options may comprise an installment loan 434, an operating lease 436, an operating lease with service 438, a package 4 and/or a package N, each of which may have features tailored to the client 90 based on the client data. *See* Application, page 19, lines 25-29. For example, the financing options 430 may have terms 428 (e.g., time periods) for financing, ranging from term 1 to term N, and may have financing payment amounts 432 (e.g., monthly payments in dollars) ranging from payment 1 to payment N, respectively. *See* Application, page 19, lines 29-32.

In sum, the client 90 is provided a plurality of transaction or financing options tailored to the client data, allowing the client to select transaction terms best fit to the client data associated with the medical facility, medical resources, and financial position of the client 90. *See* Application, page 20, lines 14-17. The pending claims are commensurate in scope with certain features discussed in detail above, and are believed to be patentable over the cited references for the reasons set forth below.

6. ISSUES

Whether claims 1-9, 11-19, 21-37, 39-43, and 45-60 are unpatentable under 35 U.S.C. 103(a) as obvious over Pitroda (U.S. Pat. No. 5,590,038), Barlow (U.S. Pat. No. 6,038,551), and Shkedy (U.S. Pat. No. 6,260,024) in view of each other.

7. **GROUPING OF CLAIMS**

The pending claims 1-9, 11-19, 21-37, 39-43, and 45-60 do not stand or fall together, but rather the claims are grouped as follows:

- Group I: Independent claim 1 and dependent claims 2-9 and 11-16 will stand or fall together.
- Group II: Independent claim 17 and dependent claims 18-19 and 21-32 will stand or fall together.
- Group III: Independent claim 33 and dependent claims 34-37 and 39 will stand or fall together.
- Group IV: Independent claim 40 and dependent claims 41-43 and 45-48 will stand or fall together.
- Group V: Independent claim 49 will stand or fall alone.
- Group VI: Independent claim 50 will stand or fall alone.
- Group VII: Independent claim 51 will stand or fall alone.
- Group VIII: Independent claim 52 will stand or fall alone.
- Group IX: Independent claim 53 will stand or fall alone.
- Group X: Independent claim 54 will stand or fall alone.
- Group XI: Independent claim 55 will stand or fall alone.
- Group XII: Independent claim 56 will stand or fall alone.
- Group XIII: Independent claim 57 will stand or fall alone.
- Group XIV: Independent claim 58 will stand or fall alone.
- Group XV: Independent claim 59 will stand or fall alone.
- Group XVI: Independent claim 60 will stand or fall alone.

8. **ARGUMENTS**

In the Final Office Action, the Examiner rejected claims 1-9, 11-19, 21-37, 39-43, and 45-60 under 35 U.S.C. § 103(a) as unpatentable over Pitroda (U.S. Pat. No. 5,590,038) and Barlow et al. (U.S. Pat. No. 6,038,551) and Shkedy (U.S. Pat. No. 6,260,024) in view of each other. Appellant traverses these rejections and requests that the Board withdraw the outstanding rejections for the reasons set forth below the following legal precedent.

Legal Precedent

First, the burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). Moreover, a statement that the proposed modification would have been “well within the ordinary skill of the art” based on individual knowledge of the claimed elements cannot be relied upon to establish a *prima facie* case of obviousness without some *objective reason to combine* the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d. 1313, 1318 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d. 1161 (Fed. Cir. 1999).

Second, when prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Third, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983); M.P.E.P. § 2145. Moreover, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not

sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (CCPA 1959); see M.P.E.P. § 2143.01.

Fourth, if the Examiner relies on a theory of inherency for certain claim features, the extrinsic evidence must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. (Emphasis Added). The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient. *Id.* In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The Examiner, in presenting the inherency argument, bears the evidentiary burden and must adequately satisfy this burden. *See id.* Regarding functional limitations, the Examiner must evaluate and consider the functional limitation, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. *See* M.P.E.P. § 2173.05(g); *In re Swinehart*, 169 U.S.P.Q. 226, 229 (C.C.P.A. 1971); *In re Schreiber*, 44 U.S.P.Q.2d 1429, 1432 (Fed. Cir. 1997). If the Examiner believes the functional limitation to be inherent in the cited reference, then the Examiner “must provide some evidence or scientific reasoning to establish the reasonableness of the examiner’s belief that the functional limitation is an inherent characteristic of the prior art.” *Ex parte Skinner*, 2 U.S.P.Q.2d 1788, 1789 (Bd. Pat. App. & Inter. 1986).

GROUP I: INDEPENDENT CLAIM 1 AND DEPENDENT CLAIMS 2-9 AND 11-16

As discussed in detail below, the cited references fail to teach or suggest, alone or in combination, a number of features recited by independent claim 1.

First, the cited references fail to teach or suggest “providing access to a *financial analysis* system for a *medical resource supplier* via a network,” as recited by claim 1. In the Office Action, the Examiner asserted that Pitroda discloses this claim feature at col. 16, ll. 13-20; Fig. 31; and col. 17, lines 13-25. *See* Paper No. 8, p. 4. The Appellant respectfully asserts that the Pitroda reference does not disclose the financial analysis system, as suggested by the Examiner. Instead, Pitroda discloses a simple “menu which includes choices such as credit card transactions, bank card transactions, retail credit transactions, medical or insurance transactions, personal identification, travel or telephone, or other miscellaneous transactions.” Pitroda, Fig. 12; col. 16, ll. 15-20. The Appellant asserts that the simple *menu* of Fig. 12 is completely devoid of any sort of *financial analysis* system, as recited by claim 1. The mere ability to

select a variety of options on a menu does not imply any sort of financial analysis of those transactions. Regarding Fig. 31 and the corresponding text of Pitroda, the Appellant further emphasizes that Pitroda fails to disclose any sort of financial analysis system, as recited by claim 1. The remaining references also fail to obviate the deficiencies of the Pitroda reference.

Second, the cited references neither teach nor suggest, taken alone or in combination, the act of “receiving *client trade-in data* for a purchasing transaction for medical resources,” as recited by claim 1. In the Office Action, the Examiner relied on Shkedy for its alleged teaching of client trade-in data at col. 4, ll. 60 *et seq.* and col. 27, ll. 8 *et seq.* See Paper No. 8, p. 3. After careful review of these passages, the Appellant asserts that Shkedy teaches only an exchange of goods or a bartering transaction of goods, rather than any sort of *client trade-in* as recited by claim 1. See Shkedy, col. 8, ll. 15-20; and col. 27, ll. 8-13. Not only does Shkedy fail to explicitly disclose client trade-in data, but client trade-in data is not inherent to the teachings of Shkedy. Based on the legal precedent introduced above, the client trade-in data is not inherent to Shkedy, because it does not necessarily flow from the teachings of Shkedy. Moreover, it would be mere conjecture to say that client trade-in data was inherent to Shkedy. The remaining references also fail to disclose the client trade-in data recited by claim 1. Accordingly, the cited references, taken alone or in combination, fail to teach or suggest the client trade-in data recited by claim 1.

Third, the cited references fail to disclose the act of “providing a plurality of financial transaction options tailored to the client data,” as recited by claim 1. In the Office Action, the Examiner apparently equated the plurality of financial transaction options with a forward purchase order (FPO), as disclosed by Shkedy. See Paper No. 8, p. 3. The Appellant respectfully disagrees with the Examiner’s interpretation of the instant claim and the teachings of Shkedy. As disclosed by Shkedy, a number of buyers create these forward purchase orders (FPOs) 100, which are then aggregated into a single pooled purchase order (PPO) 265. See Shkedy, Abstract; Fig. 1; col. 4, ll. 48-59. However, Shkedy does not provide a *plurality* of financial transaction *options* tailored to the client data, as recited by claim 1. Instead, Shkedy provides the single pooled purchase order (PPO) 265 for bidding by the various sellers, and then subsequently provides a single lowest price to the various buyers. See Shkedy, Abstract; Fig. 1; col. 3, ll. 55-57; col. 17, ll. 32-33. Moreover, the Appellant asserts that these forward purchase orders (FPOs) and the pooled purchase order (PPO) are simply *orders*, rather than financial transaction *options* as recited by claim 1. For these reasons, the cited references, taken alone or in combination, fail to teach or suggest a plurality of financial transaction options tailored to the client data, as recited by claim 1.

In view of the foregoing deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 1 and its corresponding dependent claims.

GROUP II: INDEPENDENT CLAIM 17 AND DEPENDENT CLAIMS 18-19 AND 21-32

The cited references also fail to teach or suggest certain features recited by independent claim 17. For example, the cited references fail to teach or suggest “a plurality of financial transaction options tailored to the client data, wherein the client data comprises *trade-in data* for a client trade-in with the financial transaction,” as recited by claim 17. As discussed in detail above with reference to independent claim 1, the cited references taken alone or in combination fail to teach or suggest this claim feature. In the Office Action, the Examiner relied on the Shkedy reference for its alleged teaching of these features. *See* Paper No. 8, p. 3. However, the Shkedy reference merely teaches a contract involving an exchange of goods or a barter transaction, rather than any sort of client trade-in as recited by independent claim 17. *See* Shkedy, col. 8, ll. 15-20; col. 27, ll. 8-13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for the instant claim 17. For these reasons, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 17 and its corresponding dependent claims.

GROUP III: INDEPENDENT CLAIM 33 AND DEPENDENT CLAIMS 34-37 AND 39

Turning to independent claim 33, the Appellant asserts that the cited references fail to teach or suggest, alone or in combination, a variety of features recited by claim 33. For example, as discussed in detail above, the cited references fail to disclose *client trade-in information*, as recited by claim 33. In addition, the cited references fail to disclose *lease and loan options* as recited by claim 33. In the Office Action, the Examiner did not provide reference to lease and loan options in any of the cited references. Therefore, the Appellant believes that the Examiner has not presented a *prima facie* case of obviousness for independent claim 33. In view of these deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 33 and its corresponding dependent claims.

GROUP IV: INDEPENDENT CLAIM 40 AND DEPENDENT CLAIMS 41-43 AND 45-48

The cited references also fail to teach or suggest, alone or in combination, certain features recited by independent claim 40.

For example, the cited references do not disclose the act of “providing access to a financial module for a medical resource supplier via a network,” as recited by claim 40. As discussed above with reference to independent claim 1, the Examiner relied on the Pitroda reference for its alleged teaching of this feature at col. 15, ll. 13-20 and Fig. 31 and its corresponding text. *See* Paper No. 8, p. 4. However, these figures and passages of Pitroda disclose only a *menu* of different transactional categories rather than any sort of financial module as recited by claim 40. *See* Pitroda, Fig. 12; col. 16, ll. 15-20; col. 17, ll. 13-18.

In addition, the cited references do not disclose the act of “receiving *client trade-in information* at the financial module,” as recited by claim 40. As discussed in detail above, the Examiner’s reliance on Shkedy is insufficient with regard to this claim feature. In sharp contrast to the claimed client trade-in information, the Shkedy reference merely discloses exchange and bartering transactions. *See* Shkedy, col. 8, ll. 15-20; col. 27, ll. 8-13. One of ordinary skill in the art would have no reason to believe that any sort of client trade-in information would be involved with such an exchange or bartering transaction.

In view of these deficiencies, the cited references, taken alone or in combination, fail to teach or suggest various features of independent claim 40. Therefore, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 40 and its corresponding dependent claims.

GROUP V: INDEPENDENT CLAIM 49

Turning to independent claim 49, the Appellant asserts that the cited references fail to teach or suggest, alone or in combination, various features recited by claim 49.

For example, the cited references all fail to disclose the act of “providing a *plurality of financial transaction options* comprising a *lease option* tailored to the client data,” as recited by claim 49. In the previous Office Action, the Examiner *admitted* that the Pitroda and Barlow references failed to disclose a *lease option*. *See* Paper No. 6, p. 5. However, in the present Final Office Action, the Examiner failed to point to any particular passage or figure of Shkedy to obviate this deficiency of the Pitroda and Barlow references.

Moreover, as discussed in detail above with reference to independent claim 1, the Appellant asserts that the Shkedy reference fails to disclose a *plurality of financial transaction options*, as recited by

claim 49. Instead, the Shkedy reference merely discloses a single pooled purchase order 265. *See* Shkedy, Abstract; Summary.

In view of these deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 49.

GROUP VI: INDEPENDENT CLAIM 50

For similar reasons as provided above with reference to independent claims 1 and 49, the Appellant asserts that the cited references fail to teach or suggest, alone or in combination, certain features recited by independent claim 50.

Specifically, the cited references do not disclose the act of “providing a *plurality of financial transaction options* comprising a *loan option* tailored to the client data,” as recited by claim 50. Again, in the previous Office Action, the Examiner *admitted* that the Pitroda and Barlow references do not disclose a *loan option*. *See* Paper No. 6, p. 5. However, in the present Final Office Action, the Examiner did not specifically address this claim feature of a loan option. Therefore, the Appellant emphasizes that the Shkedy reference does not obviate the deficiencies of the Pitroda and Barlow references with regard to the loan option.

Moreover, the Shkedy reference does not teach a *plurality of financial transaction options* as asserted by the Examiner. Instead, the Shkedy reference merely discloses a single pooled purchase order 265. *See* Shkedy, Abstract; Summary.

In view of these deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 50.

GROUP VII: INDEPENDENT CLAIM 51

Again, the Appellant respectfully asserts that the cited references fail to teach or suggest, alone or in combination, certain features recited by independent claim 51.

For example, as discussed above, the cited references do not disclose “a *plurality of financial transaction options* tailored to the client data, wherein the plurality of financial transaction options

comprise a *lease option*.” In the Final Office Action, the Examiner relied solely on the Shkedy reference for its alleged teaching of these features. *See* Paper No. 8, p. 3. However, as discussed above, the Examiner did not specifically address the lease option. Moreover, the Appellant asserts that the forward purchase order (FPO) 100 of Shkedy is not an *option*, as suggested by the Examiner. Also, the forward purchase orders (FPOs) 100 are all aggregated into a single pooled purchase order 265, which subsequently results in a single lowest price for the buyers. *See* Shkedy, Abstract; Summary. Thus, the Shkedy reference does not teach a plurality of options, much less a plurality of financial transaction options tailored to the client data, as recited by independent claim 51.

In view of these deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 51.

GROUP VIII: INDEPENDENT CLAIM 52

Independent claim 52 recites, *inter alia*, “a *plurality of financial transaction options* tailored to the client data, wherein the plurality of financial transaction options comprise a *loan option*.” As discussed in detail above, the cited references, taken alone or in combination, fail to teach or suggest these claim features. Therefore, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 52.

GROUP IX: INDEPENDENT CLAIM 53

Independent claim 53 recites, *inter alia*, “a *plurality of purchasing options* tailored to the client data wherein the plurality of purchasing options comprise a *lease option*.” For the reasons discussed in detail above, the Appellant emphasizes that the cited references fail to teach or suggest, taken alone or in combination, these claim features of independent claim 53. Therefore, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 53.

GROUP X: INDEPENDENT CLAIM 54

Turning to independent claim 54, this claim recites “a *plurality of purchasing options* tailored to the client data, wherein the plurality of purchasing options comprise a *loan option*.” Again, for the reasons discussed in detail above, the cited references fail to teach or suggest, alone or in combination,

these features of independent claim 54. Therefore, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 54.

GROUP XI: INDEPENDENT CLAIM 55

For similar reasons as discussed above, the cited references fail to teach or suggest various features recited by independent claim 55. Specifically, the cited references fail to teach or suggest, alone or in combination, the act of “generating a *plurality of transaction options* tailored to the client data, wherein generating a plurality of transaction options comprises providing *lease and loan options* tailored to the client data.” Again, the Examiner previously admitted that the Pitroda and Barlow references lack these claim features. *See* Paper No. 6, p. 5. In addition, the Appellant asserts that the Shkedy reference does not obviate the deficiencies of Pitroda and Barlow. For these reasons, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 55.

GROUP XII: INDEPENDENT CLAIM 56

Turning to the next independent claim, the present independent claim 56 recites “*client trade-in information*” and a “plurality of purchasing options comprise *lease and loan options*.” As discussed above, the Examiner relied on Shkedy for its alleged teach of these features. However, the Shkedy reference teaches only exchange and bartering transactions, rather than any sort of *client trade-in* as recited by claim 56. *See* Shkedy, col. 8, ll. 15-20; col. 27, ll. 8-13. Moreover, the Examiner failed to identify any teaching of *lease and loan options* in the Shkedy reference. Finally, the Shkedy reference does not teach a *plurality* of purchasing options, as suggested by the Examiner. Instead, the Shkedy reference teaches only a single pooled purchase order (PPO) 265 resulting in a single lowest price for the buyer. *See* Shkedy, Abstract; Summary. In view of these deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 56.

GROUP XIII: INDEPENDENT CLAIM 57

The Appellant also believes that independent claim 57 is patentable over the cited references, which fail to teach or suggest a “plurality of purchasing options comprise a *lease option*” as recited by claim 57. In the Office Action, the Examiner relied solely on the Shkedy reference for its alleged teaching of these features. *See* Paper No. 8, p. 3. However, as discussed in detail above, the Shkedy reference does not teach a plurality of purchasing options, much less a *lease option* as recited by claim 57.

Instead, the Shkedy reference teaches only a single pooled purchase order (PPO) 265, which results in a single lowest price of goods for the buyers. *See* Shkedy, Abstract; Summary. In view of these deficiencies, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 57.

GROUP XIV: INDEPENDENT CLAIM 58

Turning to independent claim 58, this claim recites “a *plurality of purchasing options* tailored to the client data, wherein the plurality of purchasing options comprise a *loan option*.” Again, for the reasons discussed in detail above, the cited references fail to teach or suggest, alone or in combination, these features of independent claim 58. Therefore, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 58.

GROUP XV: INDEPENDENT CLAIM 59

The cited references, taken alone or in combination, also lack certain features recited by independent claim 59. Specifically, the cited references fail to teach or suggest, alone or in combination, the acts of “receiving *client trade-in information* at the financial module” and “generating a *plurality of transaction options* tailored to the client data,” as recited by claim 59. In the Office Action, the Examiner relied solely on Shkedy for its alleged teaching of these features. *See* Paper No. 8, p. 3. However, as discussed in detail above, the Shkedy reference is absolutely devoid of these claim features. For example, instead of the claimed client trade-in information, the Shkedy reference discloses a contract involving an exchange of goods or a bartering transaction. *See* Shkedy, col. 8, ll. 15-20; col. 27, ll. 8-13. Moreover, the forward purchase orders (FPOs) 100 of Shkedy are not options, much less transaction options, as suggested by the Examiner. In fact, all of these forward purchase orders 100 are aggregated into a single pooled purchase order 265, which subsequently results in a single lowest price for the buyers. *See* Shkedy, Abstract; Summary. In view of these deficiencies, the cited references fail to teach or suggest, taken alone or in combination, these various features of claim 59. Therefore, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 59.

GROUP XVI: INDEPENDENT CLAIM 60

For similar reasons as discussed above, the cited references fail to teach or suggest various features recited by independent claim 60. Specifically, the cited references fail to teach or suggest, alone or in combination, the act of “generating a *plurality of transaction options* tailored to the client data,

wherein generating a plurality of transaction options comprises providing *lease and loan options* tailored to the client data.” Again, the Examiner previously admitted that the Pitroda and Barlow references lack these claim features. *See* Paper No. 6, p. 5. In addition, the Appellant asserts that the Shkedy reference does not obviate the deficiencies of Pitroda and Barlow. For these reasons, the Appellant respectfully requests that the Board withdraw the rejection of independent claim 60.

9. **CONCLUSION**

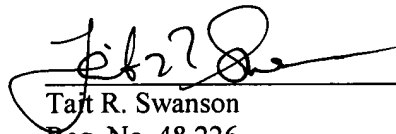
In view of the above remarks, Appellant respectfully submits that the Examiner has provided no supportable position or evidence that claims 1-9, 11-19, 21-37, 39-43 and 45-60 are obvious under 35 U.S.C. § 103. Accordingly, Appellant respectfully requests that the Board find claims 1-9, 11-19, 21-37, 39-43 and 45-60 patentable over the prior art of record and withdraw all outstanding rejections.

Fees and General Authorization for Extensions of Time

The Commissioner is authorized to charge the requisite fee of \$330.00 for this Appeal Brief, and any additional fees which may be required, to Account No. 07-0845, Order No. 15-EC-5764/YOD (GEMS:0123).

Respectfully submitted,

Date: September 13, 2004



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10. **APPENDIX OF CLAIMS ON APPEAL**

1. (previously presented): A method for analyzing transactions for medical resources in a medical facility, the method comprising:

providing access to a financial analysis system for a medical resource supplier via a network;
providing a network interface for communication with the financial analysis system, the network interface including a form for entering client data for medical resources;
receiving the client data from the network interface via the network, wherein receiving the client data comprises receiving client trade-in data for a purchasing transaction for medical resources;
analyzing the client data in the financial analysis system;
providing a plurality of financial transaction options tailored to the client data; and
transmitting the plurality of financial transaction options to a client via the network.

2. (original): The method of claim 1, comprising storing the client data on the financial analysis system.

3. (original): The method of claim 1, comprising storing at least a portion of the client data on a server, and tailoring the form for the client according to the portion of client data.

4. (original): The method of claim 1, comprising coupling the financial analysis system to the Internet, and allowing communications with the financial analysis system via an Internet browser.

5. (original): The method of claim 1, comprising providing medical resource availability information from the medical resource supplier to the client via the network interface.

6. (original): The method of claim 1, comprising electronically accepting applications for purchasing medical resources via the network interface.

7. (original): The method of claim 1, comprising electronically transmitting to the client a purchasing agreement for the medical resources tailored to the client data.

8. (original): The method of claim 1, comprising evaluating tax consequences of a transaction for the medical resources.

9. (original): The method of claim 1, wherein receiving the client data comprises receiving financial information of the client.

10. (canceled).

11. (original): The method of claim 1, wherein providing a plurality of financial transaction options comprises providing a plurality of payment times and payment amounts.

12. (original): The method of claim 1, wherein providing a plurality of financial transaction options comprises providing a plurality of service options.

13. (original): The method of claim 1, wherein providing a plurality of financial transaction options comprises providing a plurality of payment terms and ownership options for the client purchasing the medical resources.

14. (original): The method of claim 13, comprising providing lease and loan options tailored to the client data.

15. (original): The method of claim 1, comprising providing a query page for selecting a medical resource category.

16. (original): The method of claim 1, comprising providing a set of financial rules for analyzing the client data.

17. (previously presented): A system for analyzing resource transactions for a medical facility, the system comprising:

- a client computer system for a medical facility;
- a transactional analysis system for a medical resource supplier;
- a network for coupling the client computer system to the transactional analysis system; and
- a financial analysis module operative on the transactional analysis system for determining terms of a financial transaction based upon client data, the client computer system being configured to transmit client data to the financial analysis module, and the financial analysis module being configured to

evaluate the client data and to generate a plurality of financial transaction options tailored to the client data, wherein the client data comprises trade-in data for a client trade-in with the financial transaction.

18. (original): The system of claim 17, wherein the financial analysis module comprises a set of financial rules.

19. (original): The system of claim 18, wherein the set of financial rules comprises tax rules for evaluating tax consequences of the financial transaction.

20. (canceled).

21. (original): The system of claim 17, wherein the client data comprises financial data for the medical facility.

22. (original): The system of claim 17, wherein the client data comprises a desired healthcare category.

23. (original): The system of claim 17, wherein the client data comprises a desired option for purchasing a medical resource.

24. (original): The system of claim 23, wherein the desired option comprises a desired service.

25. (original): The system of claim 17, wherein the plurality of financial transaction options comprise a loan option.

26. (original): The system of claim 17, wherein the plurality of financial transaction options comprise a lease option.

27. (original): The system of claim 17, wherein the plurality of financial transaction options comprise a plurality of payment amounts and payment times.

28. (original): The system of claim 17, comprising a client interface configured for exchanging information and procuring a financial transaction between the medical facility and the medical resource supplier via the network.

29. (original): The system of claim 28, wherein the client interface comprises at least one page for displaying the plurality of financial transaction options.

30. (original): The system of claim 28, wherein the client interface comprises a transaction agreement page tailored to the client data.

31. (original): The system of claim 30, wherein the transaction agreement page comprises a loan agreement according to one of the plurality of financial transaction options.

32. (original): The system of claim 30, wherein the transaction agreement page comprises a lease agreement according to one of the plurality of financial transaction options.

33. (previously presented): A method for facilitating a purchasing transaction between a medical resource supplier and a client, the method comprising:

providing access to a transaction system for a medical resource supplier via a network;

providing an interface for exchanging information between a client and the transaction system,

wherein the interface has fields for entering client data;

receiving the client data from the interface via the network, wherein receiving the client data comprises receiving client trade-in information for a purchasing transaction for medical resources;

financially analyzing at least a portion of the client data with a financial analysis system operative on the transaction system;

generating a plurality of purchasing options tailored to the client data; and

transmitting the plurality of purchasing options to the client via the network, wherein the plurality of purchasing options comprise lease and loan options.

34. (original): The method of claim 33, comprising coupling the transaction system to the Internet.

35. (original) The method of claim 33, comprising electronically transmitting to the client a purchasing agreement for medical resources tailored to the client data.

36. (original): The method of claim 33, comprising evaluating tax consequences of a purchasing transaction for medical resources according to the client data.

37. (original): The method of claim 33, wherein receiving the client data comprises receiving financial information of the client.

38. (canceled).

39. (original): The method of claim 33, wherein generating a plurality of purchasing options comprises providing a plurality of service options.

40. (previously presented): A method for providing medical resources to a medical facility, the method comprising:

- providing access to a financial module for a medical resource supplier via a network;
- providing a communication interface comprising fields for transmitting client data to the financial module, wherein the client data includes a medical system category;
- receiving client trade-in information at the financial module;
- financially analyzing at least a portion of the client data with the financial module;
- generating a plurality of transaction options tailored to the client data; and
- transmitting the plurality of transaction options to a client via the network.

41. (original): The method of claim 40, comprising electronically transmitting to the client a purchasing agreement for medical resources tailored to the client data.

42. (original): The method of claim 40, comprising evaluating tax consequences of a purchasing transaction for medical resources according to the client data.

43. (original): The method of claim 40, comprising receiving financial information of the client at the financial module.

44. (canceled).

45. (original): The method of claim 40, wherein generating a plurality of transaction options comprises providing a plurality of service options.

46. (original): The method of claim 40, wherein generating a plurality of transaction options comprises providing a plurality of payment terms and ownership options.

47. (original): The method of claim 40, wherein generating a plurality of transaction options comprises providing lease and loan options tailored to the client data.

48. (original): The method of claim 40, comprising displaying the plurality of transaction options on the communication interface.

49. (previously presented): A method for analyzing transactions for medical resources in a medical facility, the method comprising:

- providing access to a financial analysis system for a medical resource supplier via a network;
- providing a network interface for communication with the financial analysis system, the network interface including a form for entering client data for medical resources;
- receiving the client data from the network interface via the network;
- analyzing the client data in the financial analysis system;
- providing a plurality of financial transaction options comprising a lease option tailored to the client data; and
- transmitting the plurality of financial transaction options to a client via the network.

50. (previously presented): A method for analyzing transactions for medical resources in a medical facility, the method comprising:

- providing access to a financial analysis system for a medical resource supplier via a network;
- providing a network interface for communication with the financial analysis system, the network interface including a form for entering client data for medical resources;
- receiving the client data from the network interface via the network;
- analyzing the client data in the financial analysis system;

providing a plurality of financial transaction options comprising a loan option tailored to the client data; and

transmitting the plurality of financial transaction options to a client via the network.

51. (previously presented): A system for analyzing resource transactions for a medical facility, the system comprising:

a client computer system for a medical facility;

a transactional analysis system for a medical resource supplier;

a network for coupling the client computer system to the transactional analysis system; and

a financial analysis module operative on the transactional analysis system for determining terms of a financial transaction based upon client data, the client computer system being configured to transmit client data to the financial analysis module, and the financial analysis module being configured to evaluate the client data and to generate a plurality of financial transaction options tailored to the client data, wherein the plurality of financial transaction options comprise a lease option.

52. (previously presented): A system for analyzing resource transactions for a medical facility, the system comprising:

a client computer system for a medical facility;

a transactional analysis system for a medical resource supplier;

a network for coupling the client computer system to the transactional analysis system; and

a financial analysis module operative on the transactional analysis system for determining terms of a financial transaction based upon client data, the client computer system being configured to transmit client data to the financial analysis module, and the financial analysis module being configured to evaluate the client data and to generate a plurality of financial transaction options tailored to the client data, wherein the plurality of financial transaction options comprise a loan option.

53. (previously presented): A method for facilitating a purchasing transaction between a medical resource supplier and a client, the method comprising:

providing access to a transaction system for a medical resource supplier via a network;

providing an interface for exchanging information between a client and the transaction system, wherein the interface has fields for entering client data;

receiving the client data from the interface via the network;

financially analyzing at least a portion of the client data with a financial analysis system operative on the transaction system;

generating a plurality of purchasing options tailored to the client data, wherein the plurality of purchasing options comprise a lease option; and

transmitting the plurality of purchasing options to the client via the network.

54. (previously presented): A method for facilitating a purchasing transaction between a medical resource supplier and a client, the method comprising:

providing access to a transaction system for a medical resource supplier via a network;

providing an interface for exchanging information between a client and the transaction system, wherein the interface has fields for entering client data;

receiving the client data from the interface via the network;

financially analyzing at least a portion of the client data with a financial analysis system operative on the transaction system;

generating a plurality of purchasing options tailored to the client data, wherein the plurality of purchasing options comprise a loan option; and

transmitting the plurality of purchasing options to the client via the network.

55. (previously presented): A method for providing medical resources to a medical facility, the method comprising:

providing access to a financial module for a medical resource supplier via a network;

providing a communication interface comprising fields for transmitting client data to the financial module, wherein the client data includes a medical system category;

financially analyzing at least a portion of the client data with the financial module;

generating a plurality of transaction options tailored to the client data, wherein generating a plurality of transaction options comprises providing lease and loan options tailored to the client data; and

transmitting the plurality of transaction options to a client via the network.

56. (previously presented): A program for facilitating a purchasing transaction between a medical resource supplier and a client, comprising:

a machine readable medium; and

machine readable code disposed on machine readable medium and adapted for:

providing access to a transaction system for a medical resource supplier via a network;

providing an interface for exchanging information between a client and the transaction system, wherein the interface has fields for entering client data;
receiving the client data from the interface via the network, wherein receiving the client data comprises receiving client trade-in information for a purchasing transaction for medical resources;
financially analyzing at least a portion of the client data with a financial analysis system operative on the transaction system;
generating a plurality of purchasing options tailored to the client data; and
transmitting the plurality of purchasing options to the client via the network, wherein the plurality of purchasing options comprise lease and loan options.

57. (previously presented): A program for facilitating a purchasing transaction between a medical resource supplier and a client, comprising:

a machine readable medium; and

machine readable code disposed on machine readable medium and adapted for:

providing access to a transaction system for a medical resource supplier via a network;
providing an interface for exchanging information between a client and the transaction system, wherein the interface has fields for entering client data;
receiving the client data from the interface via the network;
financially analyzing at least a portion of the client data with a financial analysis system operative on the transaction system;
generating a plurality of purchasing options tailored to the client data, wherein the plurality of purchasing options comprise a lease option; and
transmitting the plurality of purchasing options to the client via the network.

58. (previously presented): A program for facilitating a purchasing transaction between a medical resource supplier and a client, comprising:

a machine readable medium; and

machine readable code disposed on machine readable medium and adapted for:

providing access to a transaction system for a medical resource supplier via a network;
providing an interface for exchanging information between a client and the transaction system, wherein the interface has fields for entering client data;
receiving the client data from the interface via the network;

financially analyzing at least a portion of the client data with a financial analysis system
operative on the transaction system;
generating a plurality of purchasing options tailored to the client data, wherein the
plurality of purchasing options comprise a loan option; and
transmitting the plurality of purchasing options to the client via the network.

59. (previously presented): A program for providing medical resources to a medical facility,
comprising:

a machine readable medium; and

machine readable code disposed on machine readable medium and adapted for:

providing access to a financial module for a medical resource supplier via a network;
providing a communication interface comprising fields for transmitting client data to the
financial module, wherein the client data includes a medical system category;
receiving client trade-in information at the financial module;
financially analyzing at least a portion of the client data with the financial module;
generating a plurality of transaction options tailored to the client data; and
transmitting the plurality of transaction options to a client via the network.

60. (previously presented): A program for providing medical resources to a medical facility,
comprising:

a machine readable medium; and

machine readable code disposed on machine readable medium and adapted for:

providing access to a financial module for a medical resource supplier via a network;
providing a communication interface comprising fields for transmitting client data to the
financial module, wherein the client data includes a medical system category;
financially analyzing at least a portion of the client data with the financial module;
generating a plurality of transaction options tailored to the client data, wherein generating
a plurality of transaction options comprises providing lease and loan options
tailored to the client data; and
transmitting the plurality of transaction options to a client via the network.